

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN MORALES and RYAN CHRISTIAN,

Plaintiffs,

-v-

NORTHERN SHORE INTERNATIONAL, INC. *et al.*,

Defendants.
-----X

22 Civ. 5754 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On April 3, 2023, after Plaintiffs failed to submit a finalized settlement agreement for the Court's approval, the Court reinstated the briefing schedule for Plaintiffs' motion for default judgment. Dkt. 37. The Court directed the Plaintiffs to serve Defendants via overnight courier with a copy of that Order and to file proof of service on the docket by April 10, 2023, warning that failure to do so "may result in an Order dismissing this case for failure to prosecute." *Id.* at 2. That deadline has passed, yet the docket does not reflect any proof of service of the Court's prior Order.

Accordingly, the default judgment briefing schedule is adjourned as follows: Plaintiffs shall move for default judgment as to Defendants, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute by April 24, 2023. Pursuant to this Court's Individual Rules, Plaintiffs must serve their motion for default judgment and supporting paperwork on Defendants by April 24, 2023, and must file an Affidavit of Service on ECF by April 26, 2023. Defendants shall file any opposition to the motion for default judgment no later than May 8, 2023. Plaintiff shall file any reply no later than May 15, 2023.

It is further ORDERED that Defendants appear and show cause at a hearing before this

Court on May 30, 2023, at 10:00 a.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiffs' counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with the Summons and Complaint and this Order; why Plaintiffs' counsel is confident that Defendants have been served with those documents and has received notice of the hearing; and the method for calculating damages. In the event that Defendants appear in this action and opposes the motion for default judgment prior to the scheduled court appearance on May 30, 2023, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

Plaintiffs must serve Defendants with a copy of this order via overnight courier and file proof of such service on the docket by April 14, 2023. If Plaintiffs once again fail to comply, the Court will dismiss this case for failure to prosecute.

SO ORDERED.

Dated: April 12, 2023
New York, New York



JOHN P. CRONAN
United States District Judge